

ARTICLE 13

SPECIAL PURPOSE ZONING

"FLOODPLAIN DISTRICTS"

13.1 PURPOSE AND INTENT

Special floodplain districts are established to identify areas prone to flooding, and to designate special provisions for various land uses and development located within said floodplains. It is not the intent of the Floodplain Districts to control land use and density in the same manner as is done with Zoning Districts "A-1" through "I-2", but rather to provide additional guidelines and restrictions to the permitted land uses within said Zoning Districts.

13.2 REQUIRED PERMIT

No person, firm or corporation shall initiate any development or substantially improve any existing structure without first obtaining a separate "flood plain" permit for each development or structure.

1. The City of Rossville Code Enforcement Administrator is hereby empowered to enforce and administer the provisions of these regulations, and any other City Ordinance pertaining to Floodplain Management. Where the provisions of this Zoning Ordinance and of the City Ordinance are not in perfect accord, the more restrictive provisions shall apply.
2. The duties of the Code Enforcement Administrator with respect to these flood plain provisions shall include, but are not limited to:
 - a) Review all development and building permits to assure that the designated sites are reasonably safe from flooding and that the permit requirements of these and any other City regulations have been satisfied.
 - b) Review all permits for proposed development to assure that all necessary permits have been acquired from the appropriate federal, state and local agencies from which prior approval is required.
 - c) Notify adjacent communities and political subdivisions of the State and the Kansas Board of Water Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration.

- d) Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished.
 - e) Verify and record the actual elevation (relative to mean sea level readings) of the lowest floor (including basement) of all new or substantially improved structures.
 - f) Verify and record the actual elevation (relative to mean sea level) to which the new or substantially improved structures have been floodproofed.
 - g) To assure that all structures that have been floodproofed bear the seal of a registered professional engineer or architect on the construction or alteration plans.
3. All applicants for a special development permit shall:
- a) File an application on forms provided in the Office of the Code Enforcement Administrator.
 - b) Provide a legal description of the land on which the permit is being sought.
 - c) Describe the use, purpose and occupancy for the proposed project.
 - d) Submit working plans and specifications for all structures and alterations.

13.3 DEVELOPMENT STANDARDS

- 1. In the Flood Overlay Districts provided for in these regulations, as shown on the Official City of Rossville Zoning Map, the following standards shall govern in all development or alteration projects:
 - a) No building permits or special flood plain permits shall be issued in those areas indicated on the City of Rossville Zoning Map as "FP-1" (Floodway) or "FP-2" (Flood fringe) unless all conditions of these regulations are satisfied.
 - b) All "FP-1" and "FP-2" overlay districts shall be governed by and consistent with the data provided in the Flood Insurance Study and the Flood Reference Maps.
 - c) All new or substantially altered structures, preliminary plats, prefabricated buildings or mobile homes, including structures used for agricultural purposes shall require:
 - i) Design or anchorage to prevent flotation, collapse or lateral movement due to flooding.

- ii) New or replacement water supply systems and sanitary treatment facilities shall be designed and constructed so as to eliminate or minimize infiltration of the flood waters into the systems and discharges from the systems into the flood waters. All on-site sanitary treatment facilities shall be located so as to avoid impairment or contamination.
- iii) New or substantially altered construction shall use materials and utility equipment that are resistant to flood damage and shall employ engineering and construction practices that will minimize flood damage within economic practicability.
- iv) All utility and sanitary facilities shall be elevated or floodproofed up to the regulatory flood protection elevation.
- v) All storage/processing of materials that are in time of flooding buoyant, flammable, explosive, or thought to be injurious to human, animal, or plant life is prohibited.
- vi) The storage or keeping of other materials or equipment which has a low flood damage potential shall be allowed provided that firm anchorage to the ground is provided to prevent flotation and such equipment/materials are readily removable in times of flooding.
- vii) All development subdivision proposals shall be designed consistent with the practice of minimizing flood damage to the built and natural environments. All review plats shall contain information on the location/elevation and flood proofing data for private facilities and utilities; information for drainage easements and capacities and contours showing the regulatory flood elevation shall also be provided.

13.4 "FP-1" FLOODWAY DISTRICT

1. The regulatory floodway has been selected on the principle that it is designed to carry the waters of the flood (base) without increasing the water surface elevation of the flood more than one foot at any point.
2. Limitations for Use - All encroachments within the "FP-1" District that would result in any increase in flood levels within the community during the occurrence of the base flood discharge are prohibited. Encroachments include fill, deposits, earth obstructions, new construction, substantial improvements and other development. Also prohibited within the adopted regulatory "FP-1"

Floodway District is the placement of new mobile homes unless such mobile homes are placed within existing (as of January 1, 1990) mobile home parks.

3. Permitted Uses:

Permitted uses shall be subject to the restrictions (Article 13.4, 1 and 2) listed above:

- a) Agricultural uses of the land including general farming and livestock.
- b) Natural resources, including forestry and nurseries and extraction.
- c) General open space uses including gardens, parking spaces, active and passive recreation and parks.
- d) Commercial uses such as parking, loading areas, airport landing and commercial farming and gardening.
- e) Governmental and private uses for enjoyment such as hiking, riding trails, motorcycle or car racing, shooting ranges, golf courses, wildlife study and preserves, parks, gardens and the keeping of livestock.

13.5 "FP-2" FLOODWAY FRINGE DISTRICT

1. Permitted Uses:

The "FP-2" Floodway Fringe District in the City of Rossville includes parts of existing Single-Family, Multi-Family, Commercial, Industrial and Mobile Home zoning districts. The flood overlay does not change the zoning requirements or the permitted uses in these districts. Rather, special development standards and practices set forth below are required before the regular building permit and/or the special flood development permit will be issued. These requirements are:

a) New or Substantially Improved Residential Structures:

The lowest floor of the structure, including the basement, must be elevated to or above the regulatory flood elevation as indicated on the City of Rossville Zoning Map and/or the Flood Insurance Rate Map (FIRM).

b) Non-Residential New or Substantially Improved Structures:

The lowest floor of the structure, including the basement, must be elevated to or above the regulatory flood elevation as

indicated on the City of Rossville Zoning Map and/or the Flood Insurance Rate Map (FIRM); or, the structure, together with all appurtenant utility and sanitary facilities, must be flood proofed up to or above the regulatory flood level.

- c) In areas marked A-0 on the Flood Insurance Rate Map (indicating areas of shallow flooding) all new construction of and substantial improvements to residences shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the official Flood Insurance Rate Map.
- d) Non-residential structures within the designated A-0 areas, together with all appurtenant utility and sanitary facilities, may be flood proofed to or above the depth number specified on the Flood Insurance Rate Map.
- e) For new mobile home parks or subdivisions or for expansions of the same and for new mobile homes not in a park or subdivision and for existing mobile home parks where the repair, reconstruction, or improvement of streets, utilities and pads equals or exceeds fifty (50) per cent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement has commenced, it shall be required that:
 - i) All mobile units shall be firmly anchored to the ground. Over the top ties shall be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations, with mobile homes more than fifty (50) feet long requiring one additional tie per side; or as an alternative, frame ties shall be provided using cross bracing at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes more than fifty (50) feet long requiring four additional ties per side.
 - ii) Stands or lots shall be elevated on compacted fill or piers so that the lowest floor of the structure will be at or above the regulatory flood elevation.
 - iii) Adequate surface drainage and easy access for a hauler is provided.
 - iv) In the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than ten (10) feet apart and steel reinforcements are provided for piers more than six (6) feet high.

13.6 VARIANCES

Variations may be issued by the Board of Zoning Appeals in accordance with the provisions set forth in this ordinance in Article 21 and within the guidelines provided under KSA 12-715. In addition to these requirements the Board of Zoning Appeals must also find for the record that:

1. Findings
 - a) That issuance of the variance would not increase the flood height or cause threats to public safety.
 - b) That the variance would not permit a change in use of the structure but only grant relief from the area requirements of the existing zone.
 - c) That the subject property requesting the variance is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.
2. Notification
 - a) The Office of the Code Enforcement Administrator will notify the applicant that the issuance of a variance to locate a structure below the 100 year flood level will result in increased actuarial rates for flood insurance coverage. The applicant will provide written and notarized acknowledgment of such notification.

13.7 FLOOD OVERLAY DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage.

Actuarial Rates

Also known as "risk premium rates", these are the rates established by the Code Enforcement Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

Channel	A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.
Development	Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
Flood	A temporary rise in stream flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff or surface water from any source.
Flood Elevation Determinations	A determination of the water surface elevations of the 100-year flood: that is, the level of flooding that has a one per cent chance of occurrence in any given year.
Flood Insurance Rate Map (FIRM)	An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing rates applicable to the community.
Flood Insurance Study (FIS)	The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.
Flood Plain Management	The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works and flood plain management regulations.

Flood Protection System

Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

Flood Proofing

Any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

Floodway

The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point, assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

Floodway Fringe

That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one per cent change of flood occurrence in any one year).

Habitable Floor

Any floor used for living, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "Habitable Floor".

Mobile Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile Home Park	"Mobile Home Park" means a tract of land which shall be used for rent or sale and the placement of mobile homes.
New Construction	New construction means those structures where new construction or substantial improvement of which is begun after January 1, 1990, or the effective date of the FIRM, whichever is later.
Overlay District	A district which acts in conjunction with the underlying zoning district or districts (i.e. "FP-1" and "FP-2" Districts).
Regulatory Flood Elevation	Elevation indicated on the FIRM as the elevation of the 100-year flood.
Regulatory Flood Protection Elevation	An elevation one foot higher than the water surface elevation of the regulatory flood.
Structure	A walled and roofed structure including a gas or liquid storage tank, that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes, and other similar uses.